

EXHIBIT J

From: Danielle J. Marlow
Sent: Friday, July 17, 2020 2:54 PM
To: 'Antoine Daurel'
Cc: Clearstream Compliance; Katja Christina Huppert; Arnaud Monnier; Sabine Verena Arnold; James P. Chou
Subject: RE: Subpoena for Document Production
Attachments: 2018-12-07 SEARS DN1084 Amended Stipulated Protective Order.pdf

Antoine:

Thank you for your e-mail.

Regarding the issues you raise regarding service, as you acknowledge, Clearstream Banking S.A. ("Clearstream") has a representative office in New York, and that representative office received the subpoena in question. As such, service of the subpoena has been effected, and the reach of the subpoena extends to documents in the home office in Luxembourg. *See In re Equitable Plan Co.*, 185 F. Supp. 57, 58 (S.D.N.Y. 1960) ("The general rule is that a foreign corporation doing business in the district is subject to process, including subpoenas *duces tecum*; and it must produce its records and documents even though they are outside the United States. It is immaterial that the agent upon whom service is made does not have control of the books and records required to be produced. It is not the agent who is to respond, but the corporation. The agent is merely the vehicle for reaching the corporation."). Service of an agent domestically here in the United States is sufficient, and compliance with the Hague Convention is not required. Indeed, the Supreme Court of the United States has held that the provisions of the Hague Service Convention are inapplicable when process is served on a foreign corporation by serving its domestic subsidiary or agent which, under state law, is the foreign corporation's involuntary agent for service. *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694, 698–708, 108 S.Ct. 2104, 100 L.Ed.2d 722 (1988). In sum, service has been effected by means of service of your New York registered office.

Regarding your concerns regarding confidential client information, please take note that there is a stipulated protective order in the case (attached), that applies to third parties, which requires that all document and other discovery in the matter be maintained as confidential. Indeed, the stipulated protective provides two levels of designation, "Confidential" and "Highly Confidential."

We would be happy to discuss the foregoing and the subpoena more generally on a call. In addition, we can discuss potentially narrowing the scope of the subpoena and extending the deadline for compliance with same. Many parties receiving similar subpoenas have responded to same with one or two spreadsheets providing the requested information.

Thanks,
Dani

To view our COVID-19 Resource Page, [click here](#).

Danielle J. Marlow
Partner

Tel: 516.873.2000 | Email: dmarlow@moritthock.com
Web: www.moritthock.com



400 Garden City Plaza 1407 Broadway
Garden City, NY 11530 New York, NY 10018

From: Antoine Daurel [mailto:antoine.daurel@clearstream.com]
Sent: Thursday, July 16, 2020 11:58 AM
To: Danielle J. Marlow
Cc: Clearstream Compliance; Katja Christina Huppert; Arnaud Monnier; Sabine Verena Arnold
Subject: RE: Subpoena for Document Production

The below email is classified: Confidential

Dear Mrs Marlow

The New York representative office of Clearstream Banking S.A. ("CBL") received the attached subpoena issued by your law firm via the below email. Please be informed that CBL does not have any operations or systems in New York but operates out of Luxembourg.

We note that the subpoena is addressed to 'Clearstream Banking' and/or 'Clearstream banking AG'. Clearstream Banking AG is located in Germany and does not have any representative office in New York, which means that it is out of scope.

CBL can provide information only to the extent that (i) it has been duly ordered or expressly authorised to do so by a Luxembourg Court, or (ii) the information do not relate to its customers (e.g. aggregated or statistical data, anonymous information or information relating just to CBL). Such information should not permit at all the identification of any relevant customer of CBL.

Due to strict Luxembourg banking secrecy laws, and other than as stated above, CBL is prohibited to turn over whole or part of any information belonging to its customers. This includes any information confided by customers to CBL in connection with the performance of the services provided by CBL and more generally any information gained during the relationship with its customers.

To be able to provide you with the information and documents you request in the subpoena, CBL would require a lawful and adequate method of service of the subpoena through the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, to which both USA and Luxembourg are parties. This Convention provides for the mandatory means for service of process in foreign jurisdictions and which is designed to simplify the methods for serving process abroad to assure that defendants sued in foreign jurisdictions receive actual and timely notice of suit and to facilitate proof of service abroad.

Thank you in advance for your understanding.

Best regards,

Antoine Daurel
Legal counsel, Expert
Markets Legal Post trading, Group Legal
Clearstream
Deutsche Börse Group
42 Avenue JF Kennedy, L-2967 Luxembourg

Phone : + 352 243 3 6406

Mail to : antoine.daurel@clearstream.com

From: Juliya Maiouchkina <juliyamai@gmail.com>
Sent: 15 July 2020 16:03

To: Mail-in CS New York <csnewyork@clearstream.com>

Subject: Subpoena for Document Production

Good afternoon

We have tried delivering subpoena to 1155 6th Avenue, NYC and the office is shut down. I spoke to customer service rep from your office and they have advised that I should email subpoena to your office. Attached therefore is the subpoena for records

Regards

Juliya

Diese E-Mail enthaelt vertrauliche oder rechtlich geschuetzte Informationen.
Wenn Sie nicht der beabsichtigte Empfaenger sind, informieren Sie bitte
sofort den Absender und loeschen Sie diese E-Mail. Das unbefugte Kopieren
dieser E-Mail oder die unbefugte Weitergabe der enthaltenen Informationen
ist nicht gestattet.

The information contained in this message is confidential or protected by
law. If you are not the intended recipient, please contact the sender and
delete this message. Any unauthorised copying of this message or
unauthorised distribution of the information contained herein is prohibited.

Legally required information for business correspondence/
Gesetzliche Pflichtangaben fuer Geschaeftskorrespondenz:
<http://deutsche-boerse.com/letterhead>